

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed June 15, 2005. Claims 1-11, 20-32, 34-37, 39-46 and 48-58 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-11, 20-32, 34-37, 39-46 and 48-58. The present Response amends claims 1, 10, 29, 30, 43, 44, 57, and 58, add claims 59 and 60, leaving for the Examiner's present consideration of claims 1-11, 20-32, 34-37, 39-46 and 48-60. Reconsideration of the rejections is respectfully requested.

### **I. Summary of Interview with the Examiner**

During the interview with the Examiner on Aug. 16, 2005, the Applicant explained that the present invention claims a direct point-to-point message-oriented communication model between two parties without any intervening party or event in between, which is distinguishable from the indirect, many-to-many, message communication model among multiple parties via a third party such as the "virtual area" (Iyer) or chat room (Yamamoto). In addition, the present invention stores the information of the state "in memory", which implies non-persistent storage and is thus distinguishable from the permanent storage used in Iyer. At the Examiner's suggestion, the memory in the independent claims has been further clarified as "non-persistent memory" to distinguish it from the prior arts.

### **II. Claim Rejections – 35 USC § 103**

1. Claims 1-6, 9-11, 20-32, 34, 37, 39-46, 48 and 51-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyer (2001/0037367), in view of Yamamoto (2003/0037110).

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. The present invention is fundamentally distinguishable from Iyer and Yamamoto in at least the following aspects:

- Different communication models. Iyer teaches “sharing of information via a virtual area by multiple parties in a communication network” (page 1, [0002], line 3-5), wherein “The user device is allowed to connect to the shared area and pick up a piece of information for transmission to the user device” (page 1, [0008] line 4-6). Yamamoto teaches area chat rooms that allows users to carry portable terminals (Abstract). Both adopt a model for indirect, many-to-many, message communication among multiple parties via a third party such as the “virtual area.” In contrast, the conversation in the present invention is set up as only “between the first computing device and a conversation partner” (claims 1 and 10, line 3) or the message is received specifically “during a conversation with a conversation partner” (claims 29, 30, 43, 44, 57 and 58, line 5-6). In other words, the conversation in the present invention is a direct point-to-point message-oriented communication between two parties without any intervening party or event in between. The difference between the prior arts and the conversation in the present invention is analogous to that between a message board and a letter or e-mail.
- Different information storage devices. The independent claims 1, 10, 29, 30, 43, 44, 57 and 58 has been amended to include “storing information of the state in non-persistent memory”, which is distinguishable from any persistent or permanent storage such as a hard drive. Such non-persistent memory storage of state information is important since it gives the present invention “lightweight” characteristics and avoids resource-intensive data lookup to the permanent storage for each message received as required by Iyer, which “stores, in a permanent storage area of the use device, the transmitted information” (page 1, [0008], line 12-13). On the other hand, although Yamamoto discloses identifying locations of a **party** or a terminal participated of the chat room in the context of online chat, it does not disclose

locating information of a **state** requested within the context of business applications as in the present invention, let alone storing such information anywhere.

Therefore, Iyer in view of Yamamoto cannot render independent claims 1, 10, 29, 30, 43, 44, 57 and 58 obvious. Since claims 5-6 and 9 depend on claim 1, claims 11, 20-28 depend on claim 10, claims 31, 32, 34, 37, 39-42 depend on claim 29, claims 45, 46, 48 and 51-56 depend on claim 43, claims 1-6, 9-11, 20-32, 34, 37, 39-46, 48 and 51-58 cannot be rendered obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

2. Claims 7, 8, 17, 18, 35, 36, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyer, Yamamoto (2003/0037110), further in view of Eide et al. (2004/0078455).

Eide teaches apparatus “that assists in the distribution of configurations data such as VPD for a switchable resource to multiple nodes within a clustered computer system” (page 1, [0010], line 2-6). It does not teach providing a state upon request from a message during a conversation between two parties and storing the information of the state in non-persistent memory as claimed in the independent claims 1, 10, 29, and 43 in the present invention. Iyer and Yamamoto cannot anticipate the present invention either as discussed earlier. Since claims 7 and 8 depend on claim 1, claims 17 and 18 depend on claim 10, claims 35 and 36 depend on claim 29, and claims 49 and 50 depend on claim 43, Iyer in view of Yamamoto and Eide can render the present invention in claims 7, 8, 17, 18, 35, 36, 49 and 50 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

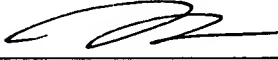
### III. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 9/26/05

By:   
David T. Xue  
Reg. No. 54,554

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800  
Customer No. 23910